

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

8:21CV208

ORDER

TONY GREEN, D.H.H.S. of
Developmental Disabilities Director for
Nebraska; COURTNEY MILLER,
D.H.H.S. of Developmental Disabilities
Deputy Director; TAYLOR DARO,
D.H.H.S. Agency for Developmental
Disabilities Extended Families of
Nebraska; JEVON WOODS, D.H.H.S.
Agency for Developmental Disabilities
Magis; SETH JACKSON, D.H.H.S.
Agency for Developmental Disabilities
Habops Rehabilitation; MELISSA
BLAKEMORE, D.H.H.S. Agency for
Developmental Disabilities Autism
Center of Nebraska; CRYSTOL
HOLSTON, D.H.H.S. Agency for
Developmental Disabilities Autism Center
of Nebraska; BRIAN JACKSON, Chief of
Police; LAUREN GAYLORD BAIRD,
Lincoln City Mayor; ONE UNKNOWN
SPECIAL VICTIMS UNIT
INVESTIGATOR, TWO STATE OF
NEBRASKA COMPLIANCE
INVESTIGATORS FOR DISABILITY
SERVICES OF D.H.H.S.,
ARMSTRONG, Lincoln Police Sgt.
Investigator; BRENDA MAE STINSON,
Appointed Legal Guardian; KIM
DUMASS, D.H.H.S. Agency for
Developmental Disabilities Mosaic;
LINCOLN CITY LIBRARY, Bennit

Martin Downtown Branch; TWO
 UNKNOWN LINCOLN CITY
 LIBRARY EMPLOYEES, ONE
 LINCOLN CITY LIBRARY
 DIRECTOR, JULIE, Late Name
 Unknown of D.H.H.S. Agency for
 Developmental Disabilities Extended
 Families of Nebraska; JODIE, of
 Extended Families of Nebraska; LONI, of
 Extended Families of Nebraska; and LIZ,
 Last Name Unknown of D.H.H.S. Agency
 for Developmental Disabilities Extended
 Families of Nebraska;

Defendants.

This matter is before the court on Plaintiff's "Leave to In Forma Pauperis/Wish to Request Proceed Leave to In Forma Pauperis/Pro Se Prisoner Indigent Civil Action Claim," which he included with his Complaint and was docketed as a motion for leave to proceed in forma pauperis. (Filing 2.) However, Plaintiff's motion does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma pauperis. See 28 U.S.C. § 1915(a)(1) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with 28 U.S.C. § 1915.1 Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Leave to In Forma Pauperis/Wish to Request Proceed Leave to In Forma Pauperis/Pro Se Prisoner Indigent Civil Action Claim," construed as a request to proceed in forma pauperis (Filing 2), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with 28 U.S.C. § 1915.

2. Plaintiff is directed to submit the \$402.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 9, 2021: Check for MIFP or payment.

Dated this 9th day of June, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge